

REMARKS

Initially, Applicant notes that the remarks and amendments made by this paper are consistent with the proposals presented during the telephone call of January 31, 2008.

By this paper, claim 33 and 37 have been amended and no claims have been added or canceled such that claims 1-43 remain pending, of which claims 1, 9, 19, 27, and 37 are the only independent claims at issue.

The Office Action, mailed July 12, 2007, considered and rejected claims 1-43 under 35 U.S.C. 102(b) as being anticipated by Johnston (US 6,104,391), hereinafter Johnston.¹

As recited in the claims, the present invention is generally directed to systems and methods for centrally managing user interface state information for the visual user interface development tool such that behavior for one or more user interface components or the visual user interface tool itself may be defined dynamically at development time. Claim 1 for example recites a method where a message is generated within the visual user interface development tool. The message is sent to a centralized extensible behavior stack to be checked against one or more behaviors to use in processing the message. The behavior stack is then checked for currently available behaviors for processing messages to determine if a behavior is available. If a behavior is found to be available, the message is passed to the available behavior for processing resulting in a dynamically defined behavior of an interface.

Claim 9 is directed to a corresponding computer program product for implementing a method similar to the method of claim 1. Claim 19 is directed to another similar method to the method recited in claim 1, but uses functional 'step for' language instead of acts. Claim 27 is directed to a computer program product for implementing a method similar to the method of claim 19. Finally, claim 37 is directed to another computer program product wherein several components related to the implementation of the invention (e.g., behavior stack, extensible collection, and message router) are defined in terms of computer-executable instructions.

It will be noted that all of the claims were rejected by a single reference, Johnston. Johnston is directed to embodiments for interfacing applications and operating systems to

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

provide for flexible customization of graphical user interfaces. In more general terms, the embodiments of Johnston are directed to providing for "themes" in an operating system.

A claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. § 2131). Accordingly, to establish a *prima facie* case of unpatentability, the Office must provide evidence that "each and every element" of the claim is set forth in the claim. Applicant respectfully submits that the Office has clearly failed to satisfy this basic requirements of a *prima facie* case of unpatentability, and that the rejection is therefore improper.² In particular, Applicant respectfully submits that not only does the cited art fail to teach or suggest all of the claim elements, but that the Office has not even **asserted** that each and every claim element is taught.

With regard to the rejection of independent claim 1, the Office Action fails to even acknowledge the portions of the claim elements in bold below:

receiving a message generated within a visual user interface development tool
during the development of one or more user interface components;

sending the message to a centralized extensible behavior stack to check for one or more behaviors to use in processing the message;

checking the centralized extensible behavior stack containing currently available behaviors for processing messages to determine if a behavior is available **to process the message;** and

if a behavior is available on the centralized extensible behavior stack, then passing the message to the available behavior for processing **thereby resulting in a dynamically defined behavior of the interface.**

Inasmuch as the Office doesn't even acknowledge these elements of the claims, the Office has also therefore failed to establish or assert that such elements are taught by the art of record.

² Even under the more encompassing test of obviousness, in order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). In addition, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings, and such must be explicitly stated. MPEP § 2143. In the present case, the Office hasn't even acknowledged each element of the claim, let alone that each element is taught or suggested by the art of record.

The present embodiments of the invention are directed to a visual user interface development tool, and as such, require that the messages be received during the development of one or more user interface components. The cited art is not directed to a visual user interface development tool, and the referenced passages cited as teaching "receiving a message generated within a visual user interface development tool" are referring to switching themes at run time, not development time as required by the full claim.

Additionally, the use of the term behavior within the cited art is different than in the present claims. In the present claims, behavior represents an underlying functionality associated with a glyph. However, as indicated in column 4, line 60 through column 5, line 8 of Johnston, window elements are separated into 3 attributes: appearance, behavior, and functionality. The embodiments of Johnston teach how to modify appearance and behavior without modifying functionality. However, the currently claimed embodiments are directed to dynamically changing the behavior, or underlying functionality, of the glyphs. This cannot be reconciled with Johnston where the embodiments are directed to dynamically changing the appearance and behavior without affecting the underlying functionality.

With regard to independent claim 37, while each claim element has been addressed, as addressed above, the Office Action fails to teach or suggest that the behaviors described in the cited art correspond to the behaviors in the claimed invention. To further highlight this distinguishing characteristic, independent claim 37 has been amended to highlight the definition of what a behavior is. Because the cited art is not directed to the functionality of the glyphs and is instead only concerned with the appearance, Applicant respectfully submits that the claim is allowable over the cited art.

For at least these reasons, as well as the others presented to the Examiner over the phone, Applicant respectfully submits that the pending independent claims are distinguished from the cited art of record and that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly,

Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 28th day of March, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over a horizontal line.

RICK D. NYDEGGER
Registration No. 28,651
COLBY C. NUTTALL
Registration No. 58,146
JOHN C. BACOCK
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973